

# EXHIBIT 3

<p style="text-align: right;">5</p> <p>1 THE VIDEOGRAPHER: Good  2 afternoon. We're now on the record. My  3 name is Larry Moskowitz and I'm a  4 videographer for Gol kow Technologies,  5 Inc. Today's date is October 10, 2009,  6 and the time is 2:10 p.m. This video  7 deposition is being held at the New York  8 Law Department, 100 Church Street, New  9 York, New York in the matter of In Re  10 MTBE for the United States District  11 Court, Southern District of New York.  12 The deponent is Bruce F. Burke.  13 Will counsel please identify  14 themselves for the record.  15 MS. AMRON: Susan Amron from  16 the New York City Law Department for  17 plaintiffs.  18 MR. CAMPINS: Nicholas  19 Campins from Sher Leff for plaintiffs.  20 MS. HANDEL: Lauren Handel,  21 McDermott, Will &amp; Emery for Exxon Mobil  22 defendants.  23 MR. STACK: William Stack  24 for Exxon Mobil.</p>	<p style="text-align: right;">7</p> <p>1 A. Nexant is a consulting  2 firm. We work for the United States  3 refining and chemical industries as well  4 as the international assets of those  5 industries. And as part of our work, we  6 look at the facilities up and down the  7 supply chain, so we look at refining  8 operations, new investment requirements,  9 changes in specifications on products.  10 We review the distribution system, so  11 how products get from refineries to the  12 consumer. And we also evaluate the  13 retail end of the business.  14 Q. Okay. And during your work  15 at Nexant, have you become familiar with  16 location and ownership of refineries  17 throughout the country?  18 A. I have, yes.  19 Q. And how have you become  20 familiar with refineries in the United  21 States?  22 A. Well, it's part of my job  23 to be familiar with the assets of my  24 clients. So during the course of</p>
<p style="text-align: right;">6</p> <p>1 THE VIDEOGRAPHER: The court  2 reporter is Ann Kaufmann and she will  3 now swear in the witness.  4 BRUCE F. BURKE, having been  5 duly sworn, was examined and testified  6 as follows:  7 DIRECT EXAMINATION  8 BY MS. AMRON:  9 Q. Okay. Just for the record,  10 this is a deposition being held pursuant  11 to the notice de bene esse deposition  12 that the City sent out on November 9  13 which we've marked as Exhibit 1.  14 (Above-described document  15 marked as Burke Exhibit 1.)  16 BY MS. AMRON:  17 Q. Mr. Burke, welcome back.  18 A. Thank you.  19 Q. Can you please remind the  20 jury where you are employed?  21 A. I work for Nexant based in  22 White Plains, New York.  23 Q. And to refresh everyone's  24 recollection, what is Nexant?</p>	<p style="text-align: right;">8</p> <p>1 monitoring the industry and working for  2 clients, I'm either working with  3 specific facilities or I need to keep  4 track of what refiners are doing to make  5 changes. So during the course of  6 monitoring the industry, I have become  7 aware of the locations and relative  8 capabilities of most of the refineries  9 in the States.  10 Q. Have the number of  11 refineries in the United States changed  12 since 1979?  13 A. They have. They have  14 dramatically declined since '79. About  15 half of them have shut down since that  16 time period. So there were about 300  17 refineries in 1979. There's about 150  18 right now.  19 Q. And have new refineries  20 been built in the United States since  21 that time?  22 A. No.  23 Q. Now, are you familiar with  24 the oil refineries owned by Exxon Mobil</p>